

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

v.

No. 5:24-cv-00461-HE

MIGUEL CARDONA, in his official capacity as
Secretary of Education; and UNITED STATES
DEPARTMENT OF EDUCATION,

Defendants.

DECLARATION OF ERIC SAILER

I, John Eric Sailer, hereby declare as follows:

1. I am the head girls' basketball coach at Bethany High School, a public school in Bethany, Oklahoma. Next season will be my eighth year coaching the Lady Bronchos, and my twenty-fifth season coaching girls' high school basketball. The past two seasons Bethany won the Class 4A State Championship—the first girls' basketball titles in school history.

Background

2. In 1988, I graduated from John Marshall High School in Oklahoma City. In high school, I wrestled and played football and baseball.
3. In college, I earned a Bachelor of Science in Physical Education and Health from the University of Central Oklahoma (UCO) in 1993. Following that, I earned a Master's Degree in Special Education from the UCO in 1995.
4. The first five years of my career, I taught special education at Bodine Elementary, which is in the Oklahoma City Public Schools. I then took a job at Central Middle School in the Edmond Public Schools, where I continued to teach special education. It was at Central that I first began to coach, starting with football and boys' basketball.
5. My girls' basketball coaching career began after two years at Central, when I was hired by

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Edmond Memorial High School to be an assistant girls' basketball coach. I spent the next 10 years as an assistant coach for the Bulldogs, for girls' basketball, freshman football, and boys' tennis. One year during that time, I was named Assistant Coach of the Year by the Oklahoma Coaches Association. Meanwhile, I continued to teach special education.

6. Eventually, I was hired as an assistant girls' basketball coach and special education teacher at Yukon High School in Yukon, Oklahoma. After two years, in 2013, I became the head girls' basketball coach for the Millers. During that time, I made the switch from teaching special education to teaching elementary school physical education (PE), at Skyview Elementary in Yukon.
7. In 2017, I followed my wife to the Bethany Public Schools, where I was hired as the head high school girls' basketball coach and elementary school PE teacher. In 2023, our girls' basketball team made it to the state tournament for the first time in school history, and then proceeded to win the Class 4A State Championship. This past spring, we repeated as Class 4A State Champions at the Big House in Oklahoma City, winning throughout the playoffs by an average of nearly 30 points per game. Afterward, two of our girls were named to *The Oklahoman's* "Super 5" team—consisting of the top five girls' players in the state—and I was named *The Oklahoman's* 2024 Little All-City Girls Basketball Coach of the Year. I was also named the Western Athletic Conference Coach of the Year in 2023 and 2024.
8. In total, I have coached girls' basketball for around 25 years, and various boys' sports for over 10 years. Even more important than my coaching career, I have been married for 30 years and have five children—two sons and three daughters.

Boys and Girls Sports

9. Girls and boys are built differently, and they should not have to compete against each other

in athletics. They need separate sports for fairness, so that each group can have success. For instance, you can take our Bethany girls' basketball team, which has won back-to-back state championships, and if you were to put us in the boys' tournament? It wouldn't even be a contest. Sometimes during practice, we'll bring in the freshman boys and practice against them, because that's closer to the size and speed of our varsity girls' team. There's just a huge difference in the athleticism and the speed of the game between boys and girls of the same age. I don't think the girls are looked down on because of this. Our girls are celebrated for their success, and deservedly so.

10. In basketball, the differences between boys and girls are especially significant. For shooting the ball and skills like dribbling, the girls can generally hang with the boys. But as far as the structure of their bodies, the boys are taller, they're stronger, they're thicker, they're more explosive, they can run faster and jump higher. That's where the real difference in the game is. If our girls are playing boys, and we go to block out for a rebound, the boys can just jump right over us. This also creates more opportunities for injury.
11. Giving girls an opportunity to be able to compete against other girls, and the opportunity to have success, is huge. I've coached teams where we didn't win very many games. But the girls knew they had the opportunity to compete against other girls their age. They knew it was fair, even if the other team was better. But with boys and girls, it's not an even playing field. I totally get it, there are kids out there that identify themselves as the other sex. I sympathize. But as far as being able to compete and play, if they were born a boy they should be competing against boys.
12. At Bethany, we have several girls who are going on to play at the next level, and on scholarship. Two have even signed with the University of Oklahoma. That probably

wouldn't be the case if we had to play against boys day in and day out. Breaking down barriers between boys' and girls' basketball will cause girls to be overlooked because of the boys being superior athletically. Keeping the sports separate gives the girls a much better opportunity to go get a scholarship, to get a college degree, to get a higher education. Indeed, some of these girls are playing high school sports because they know a sports scholarship is their *only* way to get a college education. But if you're a girl having to compete against a young man for that scholarship, the college coach is probably going to go offer the boy because he's bigger, stronger, and faster. That would be a loss. My hope is that a player of mine may make it all the way to the WNBA. But I have a hard time seeing how that happens if their opportunities are taken away early on.

13. Allowing boys to participate in girls' sports based on self-identification doesn't just affect the top athletes. It will affect all of them, all the way down to the end of the roster or the bench. A girl who would get ten minutes of playing time per game may not play at all. A girl who would be on varsity as a freshman, even without playing time, may be limited to the JV team instead. And a JV player might end up playing less, as well. And who knows, they might choose not to play anymore because of it. They might lose opportunities just because they choose not to stick with it.

Privacy

14. For 25 years, I have coached girls' basketball. To respect my players' privacy, I always want to have a female on staff with me. That way she can go in and be in the locker room in case one of the girls needs a coach in there. And when I go into the locker room—before games, at halftime, and right after the game is over—the first thing I do is have the female assistant coach knock and go in make sure everyone is appropriately dressed, and then

she'll tell me I can come in, or she'll tell me to wait a moment. Other than that, I'm rarely in the locker room. That's extremely important to me and the players. If you have male coaches or male athletes who will just walk in, where there will be girls changing, that would be highly inappropriate.

15. Teenage girls, they are trying to protect themselves physically and emotionally. Having a male go in and see girls dressing in front of them would not be good for the girls emotionally, to say the least. I just don't see that as being okay.
16. In addition, trying to figure out how to implement and police a system in which girls and boys are supposed to compete against each other, if they identify as a member of the opposite sex, and how that would be successful, would be very difficult. Who's to say that a boy who wants to have success as an athlete starts to identify as a girl just for that reason? I don't think that's what they're trying to get at with these types of rule changes, but how are we supposed to tell the difference between that and a legitimate case?
17. Practically, we would almost have to have a separate locker room, either for the person who identifies as the opposite sex, or for girls or boys who are not comfortable sharing a private space with someone of the opposite sex, just to help eliminate any issues. That would be very difficult to try to juggle, especially when you're already limited with space in smaller schools like ours. There's simply not a lot of space for another locker room.
18. If it comes to that point, I think my time in coaching would probably be close to an end. It's just not the purpose of this sport that I love, for the girls to go compete against boys. The girls' opportunities for success and privacy should be protected.

I declare under penalty of perjury that the above statements are true and correct. Executed
this 5th day of July, 2024, in Yukon, Oklahoma.


Eric Sailer